



PATENT #4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kanz et al Attorney Docket No.: 9261.16989-CIP
Serial No.: 09/641,012 Examiner: R. Ghafoorian
Filed: 16 August 2000 Group Art Unit: 3763
For: Supplemental Port for Catheter Perfusion of Surgical Site

Commissioner of Patents
Washington, D.C. 20231

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

NOTE: A terminal disclaimer should not accompany a petition based on unintentional abandonment. Notice of July 9, 1985 (1056 O.G. 60-61).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 CFR 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 CFR 1.137(b).

1. This application became abandoned on 8 September 20-02.

NOTE: Extensions under 37 CFR 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of S 1.136 can no longer be used then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival.

2. This petition is filed:
☒ within one year of the date of abandonment.

NOTE: Under very limited conditions a petition to revive for unintentional abandonment may exceed the one year limit when abandonment is due to action or inaction by the applicant and the PTO performs a positive documented official act which could lead a reasonable individual to conclude that the action or inaction was appropriate. Notice of August 26, 1985 (1059 O.G. 4).

☐ within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.

(check next box, if applicable)

☐ the three month period has been extended up to _____.

NOTE: The non-statutory three month period may be extended up to four months if a petition for an extension of time and the fee set in 37 CFR 1.17(a) to (d) are filed with or prior to this petition.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date 21 November 2002

21 November 2002

(TYPE OR PRINT NAME OF PERSON MAILING PAPER)

Joseph Dunaway

(Signature)

12/02/2002 BABRAHA1 00000111 09641012

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640.00 OP

3. This application became abandoned unintentionally. The entire delay, from the due date for the reply, until the filing of a grantable petition was unintentional (37 CFR 1.137(b)).
4. Proposed response
☐ has been filed.
☒ is attached.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.137. To facilitate processing in such a case the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12).

- ☐ the response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee 37 CFR 1.17(m))

Application status is:

- ☒ small business entity-fee \$640.00
☐ other than small entity-fee \$1,280.00

6. Payment of fee:

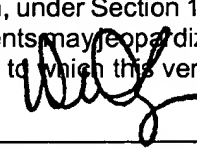
- ☒ Enclosed please find check for \$ 640.00
☒ Charge Account 06-2360 for any additional fee required.
☐ Charge Account _____ the sum of ☐ \$ 620.00 / ☐ \$ 1,240.00.
A duplicate of this petition is attached.

7. Verification:

NOTE: The statement that the abandonment was unintentional must be a verified statement if made by a person not registered to practice before the PTO. 37 CFR 1.137. Check the next box if this is the case.

- ☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 21 November 2002



SIGNATURE OF ATTORNEY

Reg. No.: 29,243

Daniel D. Ryan

(TYPE OR PRINT NAME OF ATTORNEY)

Tel. No.: (262) 783 - 1300

RYAN KROMHOLZ & MANION, S.C.

P.O. Box 26618

Milwaukee, Wisconsin 53226

(P.O. Address)

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